

UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/124,616 09/22/93 GRUBE

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~~CHOULES,~~ EXAMINER

B3M1/1207

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ART UNIT	PAPER NUMBER
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2307

DATE MAILED: 12/07/94

**This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS**

☒ This application has been examined. ... ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 year(s) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892. 2. ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449. 4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.. 6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1 to 24 are pending in the application.
- Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 to 24 are rejected.
5. ☐ Claims 1 to 24 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☒ The ~~corrected or substitute~~ informal drawings have been received on 9/22/93. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☒ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☒ Other SEE ATTACHED

EXAMINER'S ACTION

Art Unit: 2307

Part III DETAILED ACTION

1. Claims 1-24 are presented for examination.

Specification

2. Applicant is advised that the summary is missing from the specification.

Summary: A brief summary or general statement of the invention that is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention. See 37 CFR 1.73 Summary of the invention.

Claim Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(1). Correction of the following is required:

Claims 1, 11 and 21 have no antecedent basis in the specification for the language of the phrases "to produce stored network information" and "determination is based, at least in part,".

Art Unit: 2307

Claim Rejections - 35 USC § 112

3. Claims 1-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The breadth, scope, and meaning of the following terms are vague and indefinite:

i. "at least in part" - claim 1, 11, and 21. The determination is either based on "stored network information" or not. It is not clear what part would be based on stored information and what part not.

ii. The claim language in the following claims is murky or not clearly understood:

iii. In claim 1, line 3, "the plurality of computer networks includes a server" it appears that there is only one server for the plurality of computer networks where there should be a server for each network.

iv. In claim 1, it would appear there is a missing step between d and e, which would transmit the user information from the "server" of step d, to the "computer" of step e.

v. In claim 19, it appears that this claim should depend on claim 11 instead of claim 1, as there is already an identical claim dependent on claim 1, and the grouping of the claims also indicates it should depend on claim 11.

Art Unit: 2307

vi. In claim 6 and 16, it is not clear how if the determination of who to send specific user information to is made based on the stored information as specified in claim 1 and 11 how to combine with the further restriction of "receiving a request". These two restrictions appear to be mutually exclusive.

b. Claims 2-10, 12-20, and 22-24 are rejected for incorporating the errors of claims 1, 11, and 21.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Williams patent no. 5,057,935.

6. As to claims 11 and 21, Williams taught a system comprising the steps of "transmitting by the plurality" (col. 5 lines 4-7); "upon receiving" (col. 5, lines 7-9 and col. 3 lines 9-14); "determining" (col 5, lines 59-60 and col. 2, lines 24-29); "transmitting, by the host" (col 5, lines 59-60 and col. 2,

Art Unit: 2307

lines 24-29 and col. 3 lines 9-14); and "after receiving" (col. 2, lines 24-29) for the user to reference thereto the status log must implicitly be transmitted and displayed.

7. As to claim 23, Williams taught "response to a request" (col. 4, line 62 through col. 5, line 7).

8. As to claim 24, Williams taught "plurality of computers" (col. 2, lines 57-68).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

Art Unit: 2307

therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

10. Claim 11 rejected under 35 U.S.C. § 103 as being unpatentable over Williams patent no. 5,057,935.

11. As to claims 11, Williams disclosed the invention substantially as claimed including a data processing system ['DP'] comprising the steps of "transmitting by the plurality" (col. 5 lines 4-7); "upon receiving" (col. 5, lines 7-9 and col. 3 lines 9-14); "determining" (col 5, lines 59-60 and col. 2, lines 24-29); "transmitting, by the host" (col 5, lines 59-60 and col. 2, lines 24-29 and col. 3 lines 9-14); and "after receiving" (col. 2, lines 24-29) for the user to reference thereto the status log must implicitly be transmitted and displayed.

12. Williams does not detail clearly that a network server or host would contain the status log. Network hosts are well known in the DP art. It would have been obvious if not implicit to one of ordinary skill in the DP art at the time of the applicants invention to put the status log on the host because Williams states that "data objects", which would include the status log as it is an object that contains data, are "stored within a storage

Serial Number: 08/124,616

-7-

Art Unit: 2307

device 14 which is associated with a resource manager" clearly the resource manager that would save a log containing information relevant to the network would be the network host.

13. Claims 19, 20, and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Williams as applied to claims 11 and 21 respectively above, and further in view of Jain patent no. 5,193,151.

14. As to claims 19 and 22, Williams does not detail "wireless communication channels". Jain describes a system which includes "wireless communication channels" (col. 11, lines 27-40).

15. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Jain with Williams because it is well known in the art that wireless communication allows such as radio or satellite allow a widely distributed network or set of networks with relative low cost in adding new continuously connected nodes as compared with direct wired systems improving the versatility of the DP system.

16. At to claim 20, Jain describes a system which includes "wireline communication channels" (col. 11, lines 27-40).

Art Unit: 2307

17. Claims 1-3, 5, 6, 8, 11-13, 15-17, 21, 23, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Doelz patent no. 4,156,789 in view of Irby, III et al. patent no. 5,021,949.

18. As to claims 1, 2, 5, 6, and 8, Doelz disclosed the invention substantially as claimed comprising the steps of "transmitting by the servers" (col. 14 lines 27-32, see also col. 7, lines 63-68); "upon receiving" (col. 14, lines 27-34) the data is to be sent to the host then on demand sent to the network it must be stored in the host; "transmitting, by the host" (col 14, lines 32-34); and "after receiving" implicitly data sent to a network terminal may be displayed.

19. Doelz does not detail "determining". Irby, III et al.. describes a system which includes "determining" (col 1, line 65 through col. 2, lines 12).

20. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Doelz and Irby, III et al. because determining based on the data collected makes the system more responsive to the needs of the user or remote computer improving the versatility of the DP system.

Art Unit: 2307

21. As to claims 11, 12, and 15-17, See the above paragraphs as much of the claim is similar the difference being that only a single network is claimed and transmitting to the network host or 'master node'. Doelz describes "transmitting, by a plurality" (col. 13, lines 59 through col. 14, line 28) and "upon receiving" (col. 13, lines 64-67)

22. As to claims 3 and 13, Irby, III et al. discloses "user marketing reports" (col. 1, line 40 through col. 2, line 11).

23. As to claim 22, see paragraphs hereinabove which refer to claim 1 and 11 as the material in claim 21 is broader than these claims.

24. As to claim 23, Doelz taught "response to a request" (col. 14, line 28-34).

25. As to claim 24, Doelz taught "plurality of computers" (col. 2, lines 57-68).

26. Claims 4 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Doelz and Irby, III et al. as applied to claims 1 and 11 respectively above, and further in view of Ellison et al., *Reap the rewards of LAN inventory programs*.

Art Unit: 2307

27. As to claims 4 and 14, Doelz and Irby, III et al. do not detail "software authorization". Ellison et al. describes a system which includes "software authorization" (on Dialog printout page 4, lines 39-41).

28. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Ellison et al. with Doelz and Irby, III et al. because tracking software authorization on the system allows administrators to locate users that have not gained proper authorization for the software they are using improving the versatility of the DP system.

29. Claims 7 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Doelz and Irby, III et al. as applied to claims 1 and 11 respectively above, and further in view of Ogaki et al. patent no. 4,654,799.

30. As to claims 4 and 14, Doelz and Irby, III et al. do not detail "pricing information". Ogaki et al. describes a system which includes "pricing information" (col. 11, lines 39-47).

Art Unit: 2307

31. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Ogaki et al. with Doelz and Irby, III et al. because tracking software authorization on the system allows administrators to locate users that have not gained proper authorization for the software they are using improving the versatility of the DP system.

32. Claims 9, 10, 19, 20, and 22 are rejected under 35 U.S.C. § 103 as being unpatentable over Doelz and Irby, III et al. as applied to claims 1, 11, and 21 respectively above, and further in view of Jain patent no. 5,193,151.

33. As to claims 9, 19, and 22, Doelz and Irby, III et al. do not detail "wireless communication channels". Jain describes a system which includes "wireless communication channels" (col. 11, lines 27-40).

34. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Jain with Doelz and Irby, III et al. because it is well known in the art that wireless communication allows such as radio or satellite allow a widely distributed network or set of networks with relative low cost in adding new continuously

Art Unit: 2307

connected nodes as compared with direct wired systems improving the versatility of the DP system.

35. At to claims 10 and 20, Jain describes a system which includes "wireline communication channels" (col. 11, lines 27-40).

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kosaka et al.	5,276,148	Decision based on statistics
Goyal	5,202,985	Search network configuration
Brooks	<i>Robo to the rescue: CIS' new Robo products address your system security and resource accounting needs.</i>	
Derfler Jr.	<i>LAN management systems: building workgroup solutions.</i>	
Computergram International	IBM announcements.	Dec. 11, 1989
Computergram International	IBM announcements.	Oct. 2, 1992

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on Tuesday-Friday from 7:15 AM - 4:45 PM and generally on Tuesdays and Thursdays until 5:45. The examiner can also be reached an alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be

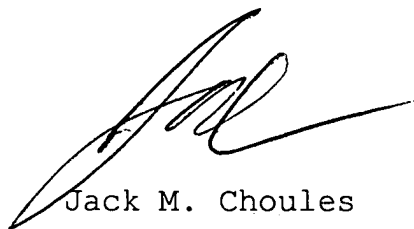
Serial Number: 08/124,616

-13-

Art Unit: 2307

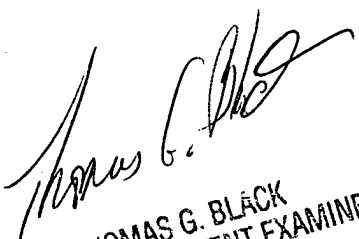
reached at (703)-305-9707. The fax phone number for this Group is (703)-305-9564 or 9565.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Jack M. Choules

December 5, 1994



THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2300